

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON AUGUST 20, 2019.

Meeting called to order at 9:00 a.m. by Chairman Rusty Eddy with members Greg Barnett and Tom Heidenwirth present. Also present were Engineer John Riherd, Chris Luhring, Parkersburg, Iowa, Fern Feldman, Allison, Iowa and Casey Reints, Mid-America Publishing.

Minutes of the previous meeting were read and approved as read.

Also present was Sheriff Jason Johnson.

Moved by Eddy, second by Barnett to approve the following:

RESOLUTION NO. 932

RESOLUTION SETTING DATES OF A CONSULTATION AND A PUBLIC HEARING ON A PROPOSED AMENDMENT NO. 5 TO THE BUTLER COUNTY LOGISTICS PARK URBAN RENEWAL PLAN IN BUTLER COUNTY, STATE OF IOWA

WHEREAS, by Resolution No. 692, adopted April 27, 2010, this Board found and determined that certain areas located within the County are eligible and should be designated as an urban renewal area under Iowa law, and approved and adopted the Butler County Logistics Park Urban Renewal Plan (the "Plan") for the Butler County Logistics Park Urban Renewal Area (the "Urban Renewal Area" or "Area") described therein, which Plan is on file in the office of the Recorder of Butler County, Iowa; and

WHEREAS, the Plan has subsequently been amended, lastly by an Amendment No. 4, adopted by Resolution No. 884, on September 26, 2017; and

WHEREAS, this Urban Renewal Area currently includes and consists of:

ORIGINAL AREA

1. The entire existing county road right-of-way of Butler County Road 220th Street (old Highway #3) lying between Butler County Road T55 (Terrace Avenue) on the West and Iowa Highway #3 on the East.
2. The entire existing county road right-of-way of Butler County Road Willow Avenue lying between 220th Street on the North and the North city limits of the City of Shell Rock, Iowa on the South.
3. The entire existing county road right-of-way of Butler County Road T55 (Terrace Avenue) lying between Iowa Highway #3 on the North and Butler County Road C45 (Butler Center Road) on the South.
4. The entire existing county road right-of-way of Butler County Road Union Avenue lying between Iowa Highway #3 on the North and 220th Street (old Highway #3) on the South.
5. The entire existing county road right-of-way of Butler County Road 212th Street lying between Union Avenue on the West and Vail Avenue on the East, except that portion vacated and described in document recorded as Instrument #2007-2171 with the Butler County Recorder.
6. The entire existing county road right-of-way of Butler County Road Vail Avenue lying between 220th Street on the South and 212th Street on the North.
7. The entire existing county road right-of-way of Butler County Road Utica Avenue lying between Iowa Highway #3 on the North and 212th Street on the South.
8. The entire Section 33, Township 92 North, Range 15 West of the 5th P.M. Butler County, Iowa and all existing county road right-of-way lying inside and adjacent to said Section 33.

AMENDMENT NO. 1 AREA

1. The entire existing road right-of-way of Butler County Road C45/T55 (Butler Center Road) between Butler County Road T55 (Terrace Ave) on the West and Butler County Road T55 (Temple Ave) on the East.
2. The entire existing road right-of-way of Butler County Road T55 (Temple Ave) lying between Butler County Road C45 (Butler Center Road) on the North and Butler County Road C55 (290th Street) on the South.
3. The entire existing road right-of-way of Butler County Road C55 (280th Street) lying between Butler County Road T55 (Temple Ave) on the West and Butler County Road T63 (Willow Ave) on the East.

4. The entire Section 32, Township 91 North, Range 15 West of the 5th P.M. Butler County, Iowa and all existing county road right-of-way lying inside and adjacent to said Section 32.

AMENDMENT NO. 2 AREA

The following describes location for Gas Utility Route A.

1. The entire existing road right-of-way of Butler County Road Logistics Park Drive lying between its North terminus and Butler County Road 220th Street on the South.
2. The entire existing road right of way of Butler County Road 220th Street lying between Butler County Road Logistics Park Drive on the West and Butler County Road Victory Lane on the East.

The following describes location for Gas Utility Route B.

3. The entire existing road right of way of 220th Street lying between Butler County Road Victory Lane on the West and Iowa Highway 3 on the East.
4. The entire existing road right-of-way of Iowa Highway 3 lying between Butler County Road 220th Street on the West and Butler County Road T63 (North Public Road & Yale Ave) on the East.
5. The entire existing road right-of-way of Butler County Road T63 (North Public Road & Yale Ave) between Iowa Highway 3 on the South and Existing Shell Rock TBS on the North.

The following describes location for Gas Utility Route C.

6. The entire existing road right-of-way of Butler County Road Victory Lane lying between Butler County Road 220th Street on the South and Iowa Highway 3 on the North.
7. the entire existing road right-of-way of Iowa Highway 3 lying between Butler County Road Vintage Lane on the West and Butler County Road 220th Street on the East.
8. A strip of land described as the south 100ft of Butler County Parcel #'s 08-34-400-041, 08-35-301-040, 08-35-302-040, and 08-35-326-045.
9. The entire existing road right-of-way of Butler County Road Wildwood Place lying between its West terminus and Butler County Road Walnut Ave on the East.
10. The entire existing road right-of-way of Butler County Road Walnut Ave lying between Butler County Road Wildwood Place on the West and Butler County Road T63 (North Public Road & Yale Ave) on the East.
11. The entire existing road right-of-way of Butler County Road T63 (North Public Road & Yale Ave) between Butler County Road Walnut Ave on the North and Existing Shell Rock TBS on the South.

Note: The Gas Utility Route will include Route A and either Route B or C, to be determined by Mid-American Energy.

AMENDMENT NO. 3 AREA

1. The entire existing road right-of-way of Butler County Road C55 (280th Street) lying between Butler County Road T55 (Temple Ave.) on the East and Iowa Highway 14 on the West.
2. The entire existing road right-of-way of Butler County Road T47 (Sinclair Ave.) lying between Butler County Road C55 (290th Street) on the North and Iowa Highway 57 on the South.
3. A tract of land described as beginning at a point 12.83½ chains south of the Northwest corner of the SW ¼ of Section 27, Township 90 North, Range 16 West of the 5th P.M. thence Southeasterly along northerly line of property formerly known as ICRR Depot Ground 20.79 chains to a point on the East line of the W ½ SW ¼ of said Section 27, being 18.565 chains south of the Northeast corner of said W ½ SW ¼, thence south along said East line boundary to a point 350 feet north of the SE corner of Lot 17 of the subdivision of the SW ¼ of said Section 27, thence Northwesterly to a point on the West line of said Section 27 being 450 feet north of the SW corner of said section 27, thence along west line of said Section 27 to the point of beginning.
4. The entire existing road right-of-way of Butler County Road T63 (Yale Ave.) lying between Butler County Road C33 (190th Street) on the North and Iowa Highway 3 on the South.
5. The entire existing road right-of-way of Walnut Ave lying between Butler County Road T63 (Yale Ave.) on the East and the Menard's Entrance on the West.
6. The entire existing road right-of-way of Glen Hall Road lying between Iowa Highway 3 on the South and the Menard's Entrance on the North.
7. A tract of land lying in both the NE ¼ of Section 2, Township 91 North, Range 15 West of the 5th P.M. & the SE ¼ of Section 35, Township 92 North, Range 15 West of the 5th P.M.;

more particularly described in Exhibit "A" of Instrument No. 2008-0078 as recorded in the office of the Butler County, Iowa Recorder.

WHEREAS, County staff has caused there to be prepared a form of Amendment No. 5 to the Plan ("Amendment No. 5" or "Amendment"), a copy of which has been placed on file for public inspection in the office of the County Auditor and which is incorporated herein by reference, the purpose of which is to add property to the Urban Renewal Area and to add and/or confirm the list of eligible projects to be undertaken within the Urban Renewal Area; and

WHEREAS, it is desirable that the area be redeveloped as part of the overall redevelopment covered by the Plan, as amended; and

WHEREAS, this proposed Amendment No. 5 to the Urban Renewal Area adds land as follows:

1. The entire existing road right-of-way of Butler County Road T47 (Sinclair Ave) lying between Butler County Road C55 (290th Street) on the South and Iowa Highway 3 on the North.
2. The entire existing road right-of-way of Butler County Road C45 (240th Street) lying between Iowa Highway 14 on the West and Butler County Road T63 (Willow Ave) on the East.

WHEREAS, the land proposed to be added to the Urban Renewal Area includes property within, or within two miles of, the City of Shell Rock, Iowa, and the County will enter into a joint agreement with said city to allow the County to operate within the Area; and

WHEREAS, the Iowa statutes require the Board of Supervisors to notify all affected taxing entities of the consideration being given to the proposed Amendment No. 5 and to hold a consultation with such taxing entities with respect thereto, and further provides that the designated representative of each affected taxing entity may attend the consultation and make written recommendations for modifications to the proposed division of revenue included as a part thereof, to which the County shall submit written responses as provided in Section 403.5, Code of Iowa, as amended; and

WHEREAS, the Iowa statutes further require the Board of Supervisors to hold a public hearing on the proposed Amendment No. 5 subsequent to notice thereof by publication in at least one newspaper having general circulation within the County, which notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the Amendment and shall outline the general scope of the urban renewal project under consideration, with a copy of the notice also being mailed to each affected taxing entity.

NOW THEREFORE, BE IT RESOLVED, BY THE BOARD OF SUPERVISORS OF BUTLER COUNTY, STATE OF IOWA:

That the consultation on the proposed Amendment No. 5 required by Section 403.5(2), Code of Iowa, as amended, shall be held on the August 27, 2019, in the Board Room, Butler County Courthouse, 428 - 6th Street, Allison, Iowa, at 1:00 P.M., and the County Auditor, or her delegate, is hereby appointed to serve as the designated representative of the County for purposes of conducting the consultation, receiving any recommendations that may be made with respect thereto and responding to the same in accordance with Section 403.5(2), Code of Iowa.

That the County Auditor is authorized and directed to cause a notice of such consultation to be sent by regular mail to all affected taxing entities, as defined in Section 403.17(1), Code of Iowa, along with a copy of this Resolution and the proposed Amendment No. 5, the notice to be in substantially the following form:

NOTICE OF A CONSULTATION TO BE HELD BETWEEN BUTLER COUNTY, STATE OF IOWA AND ALL AFFECTED TAXING ENTITIES CONCERNING THE PROPOSED AMENDMENT NO. 5 TO THE BUTLER COUNTY LOGISTICS PARK URBAN RENEWAL PLAN FOR BUTLER COUNTY, STATE OF IOWA

Butler County, State of Iowa will hold a consultation with all affected taxing entities, as defined in Section 403.17(1), Code of Iowa, as amended, commencing at 1:00 P.M. on August 27, 2019, in the Board Room, Butler County Courthouse, 428 - 6th Street, Allison, Iowa concerning a proposed Amendment No. 5 to the Butler County Logistics Park Urban Renewal Plan for an Urban Renewal Area, a copy of which is attached hereto.

Each affected taxing entity may appoint a representative to attend the consultation. The consultation may include a discussion of the estimated growth in valuation of taxable property included in the Urban Renewal Area, the fiscal impact of the division of revenue on the affected taxing entities, the estimated impact on the provision of services by each of the affected taxing entities in the Urban Renewal Area, and the duration of any bond issuance included in the Amendment.

The designated representative of any affected taxing entity may make written recommendations for modifications to the proposed division of revenue no later than seven days following the date of the consultation. The County Auditor, or her delegate, as the designated representative of Butler County, State of Iowa, shall submit a written response to the affected taxing entity, no later than seven days prior to the public hearing on the proposed Amendment No. 5 to the Butler County Logistics Park Urban Renewal Plan, addressing any recommendations made by that entity for modification to the proposed division of revenue.

This notice is given by order of the Board of Supervisors of Butler County, State of Iowa, as provided by Section 403.5, Code of Iowa, as amended.

Dated this 20th day of August, 2019.

That a public hearing shall be held on the proposed Amendment No. 5 before the Board of Supervisors at its meeting which commences at 9:05 A.M. on September 17, 2019, in the Board Room, Butler County Courthouse, 428 - 6th Street, Allison, Iowa.

That the County Auditor is authorized and directed to publish notice of this public hearing in the Butler County Tribune - Journal, the Eclipse News Review, the Greene Recorder, and the Clarksville Star, once each on a date not less than four (4) nor more than twenty (20) days before the date of the public hearing, and to mail a copy of the notice by ordinary mail to each affected taxing entity, such notice in each case to be in substantially the following form:

NOTICE OF PUBLIC HEARING TO CONSIDER APPROVAL OF A PROPOSED AMENDMENT NO. 5 TO THE BUTLER COUNTY LOGISTICS PARK URBAN RENEWAL PLAN FOR AN URBAN RENEWAL AREA IN BUTLER COUNTY, STATE OF IOWA

The Board of Supervisors of Butler County, State of Iowa, will hold a public hearing before itself at its meeting which commences at 9:05 A.M. on September 17, 2019 in the Board Room, Butler County Courthouse, 428 - 6th Street, Allison, Iowa, to consider adoption of a proposed Amendment No. 5 to the Butler County Logistics Park Urban Renewal Plan (the "Amendment") concerning an Urban Renewal Area in Butler County, State of Iowa, which Amendment adds the following property to the Urban Renewal Area:

3. The entire existing road right-of-way of Butler County Road T47 (Sinclair Ave) lying between Butler County Road C55 (290th Street) on the South and Iowa Highway 3 on the North.
4. The entire existing road right-of-way of Butler County Road C45 (240th Street) lying between Iowa Highway 14 on the West and Butler County Road T63 (Willow Ave) on the East.

A copy of the Amendment is on file for public inspection in the office of the County Auditor, Butler County Courthouse, Allison, Iowa.

Butler County, State of Iowa is the local public agency which, if such Amendment is approved, shall undertake the urban renewal activities described in such Amendment.

The general scope of the urban renewal activities under consideration in the Amendment is to promote the growth and retention of qualified industries and businesses in the Urban Renewal Area through various public purpose and special financing activities outlined in the Amendment. To accomplish the objectives of the Amendment, and to encourage the further economic development of the Urban Renewal Area, the Amendment provides that such special financing activities may include, but not be limited to, the making of loans or grants of public funds to private entities under Chapter 15A, Code of Iowa. The County also may reimburse or directly undertake the installation, construction and reconstruction of substantial public improvements, including, but not limited to, street, water, sanitary sewer, storm sewer or other public improvements. The Amendment provides that the County may issue bonds or use available funds for purposes allowed by the Plan, as amended, and that tax increment reimbursement of the costs of urban renewal projects may be sought if and to the extent incurred by the County. The Amendment initially proposes specific public infrastructure or site improvements to be undertaken by the County, and provides that the Amendment may be amended from time to time.

The proposed Amendment No. 5 would add property to the Urban Renewal Area and add and/or confirm the list of eligible projects to be undertaken within the Urban Renewal Area.

Other provisions of the Plan not affected by the Amendment would remain in full force and effect.

Any person or organization desiring to be heard shall be afforded an opportunity to be heard at such hearing.

This notice is given by order of the Board of Supervisors of Butler County, State of Iowa, as provided by Section 403.5, Code of Iowa.

Dated this 20th day of August, 2019.

That the proposed Amendment No. 5, attached hereto as Exhibit 1, for the Urban Renewal Area described therein is hereby officially declared to be the proposed Amendment No. 5 referred to in the notices for purposes of such consultation and hearing and that a copy of the Amendment shall be placed on file in the office of the County Auditor.

UPON Roll Call the vote thereon was as follows:

AYES: Tom Heidenwirth
Rusty Eddy
Greg Barnett

NAYS: None

WHEREUPON the Resolution was declared duly adopted this 20th day of August, 2019.

ATTEST: *Lizbeth Williams*, County Auditor

Following review and discussion of Report on Special Investigation of the Butler County Sheriff's Department it was moved by Barnett, second by Heidenwirth to accept the difference in overtime pay to deputies and move forward with corrections. All ayes. Motion carried.

Fern Feldman commented that people she has talked to support Sheriff Johnson 100% and realizes the difficulty, as she sees what the Conservation Department deals with on compensation.

Board approved claims as submitted.

Board acknowledged receipt of Manure Management Plan Annual Update for DCI Bennezette.

Moved by Barnett, second by Eddy to adjourn the meeting at 9:47 A.M. to Tuesday, August 27, 2019 at 9:00 A.M. Motion carried.

The above and foregoing is a true and correct copy of the minutes and proceedings of a regular adjourned meeting of the Board of Supervisors of Butler County, Iowa on August 20, 2019.